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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,960	07/18/2003	Ralph D. Geater	GEAT100USA	4002
24339	7590	05/12/2004	EXAMINER	
JOEL D. SKINNER, JR. SKINNER AND ASSOCIATES 212 COMMERCIAL ST. HUDSON, WI 54016			SZUMNY, JONATHON A	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/622,960

Applicant(s)

GEATER, RALPH D.

Examiner

Jon A Szumny

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

This is the first office action for application number 10/622,960, Fastener Technology, filed on July 18, 2003.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show "bracket member 37" as described in the specification on page 9, line 11. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to because of the following:

The fastener 10 of figures 1 and 3 is different. The mating notches of figure 3 are not shown in figure 1.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities:

On page 8, line 19, "an" should be --a--;

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Section d of claim 19 recites that the arm has a "*rectilinear* configuration". However, line 7 of page 9 of the specification and figure 1 respectively describe and show the arm to have a *curvilinear* configuration.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claims 9, 16, 18 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 9, 16 and 18, it is not clear if the applicant is intending to claim the subcombination of "a device including a leg...for coupling contact with an external base object," or the combination of the "device including a leg" and "an external base object." Section b of claim 1 states the former, but then the "external base object" is

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positively claimed in claims 9, 16 and 18. The applicant must make it clear whether the external base object is claimed *positively* or *functionally*. For the purposes of this office action, the Examiner will assume the external base object is recited *functionally*.

Regarding claim 20, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

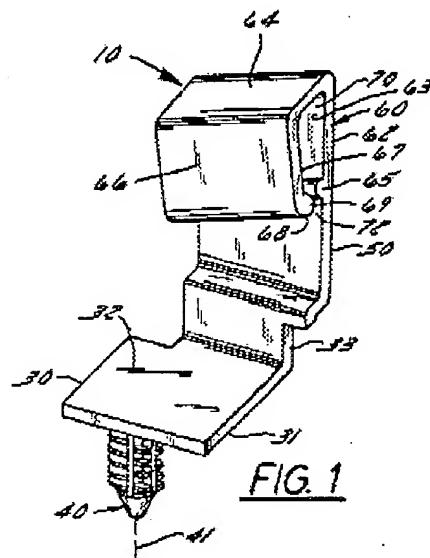
### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9-12 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 4,865,281 to Wollar.



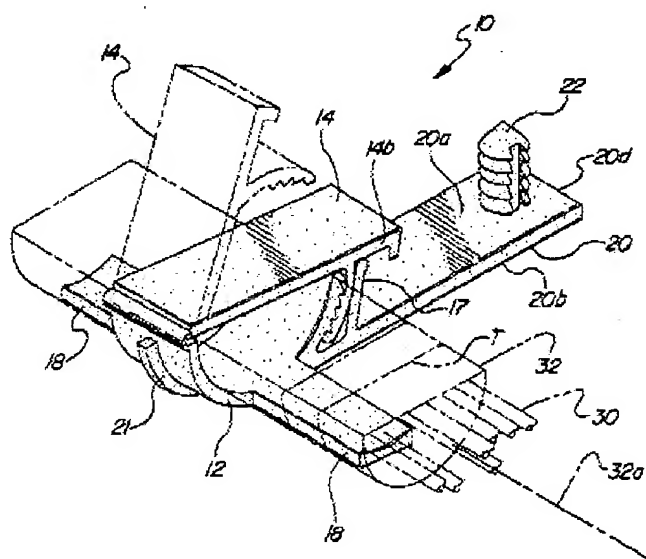
Wollar '281 discloses a unitary/plastic device (above, column 3, lines 45-46) comprising a rectilinear frame (50,33 generally), a leg (30) communicatively connected to the frame, and an curvilinear arm (64,66, it is curvilinear at where "10" is pointed in figure 3) connected to the frame and defining a passage (70) in which an article (14) is disposed; wherein the frame has first and second ends (near 33 and near 64, respectively) and a predetermined length, wherein the leg has a predetermined configuration with a predetermined area and depends from the first end of the frame at a right angle thereto, wherein the device includes connecting means (40), wherein the device could inherently attach to a wall stud, wherein the arm depends from the second end, wherein the arm is flexible (see column 3, lines 45-46), wherein can inherently be separated a predetermined distance from an external base object (see figure 3), wherein the article is an electrical cable (14, column 3, lines 29-30, "insulated flexible electric wires").

Lester '125 discloses a device (above) comprising a frame (above), a leg (24) communicatively connected to the frame, and a curvilinear arm (32) connected to the frame and defining a cylindrical passage (within 32) in which an article (18) is disposed, wherein the frame has a rectilinear configuration with first and second ends (above) and a predetermined length, wherein the leg has a predetermined configuration with a predetermined area and depends from the first end of the frame at a right angle thereto, wherein the device includes connecting means consisting of a screw (29) wherein an aperture (28) is disposed at a predetermined location in the leg, wherein the arm

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depends from the second end, wherein the passage has open ends through which the article is disposed.

Claims 1-5, 10-12, 14, 15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 6,206,331 to Keith et al.



Keith et al. '331 discloses a unitary/plastic device (above) comprising a rectilinear frame (12,20), a leg (22) communicatively connected to the frame, and a flexible curvilinear arm (14,16, it is curvilinear at 16, it is flexible at 14a) connected to the frame and defining a passage (within 14,16) in which an article (30) is disposed; wherein the frame has first and second ends (near 20d and near where "21" is pointed in figure 2, respectively) and a predetermined length, wherein the leg has a predetermined configuration with a predetermined area and depends from the first end of the frame at a right angle thereto, wherein the arm depends from the second end, wherein a lock

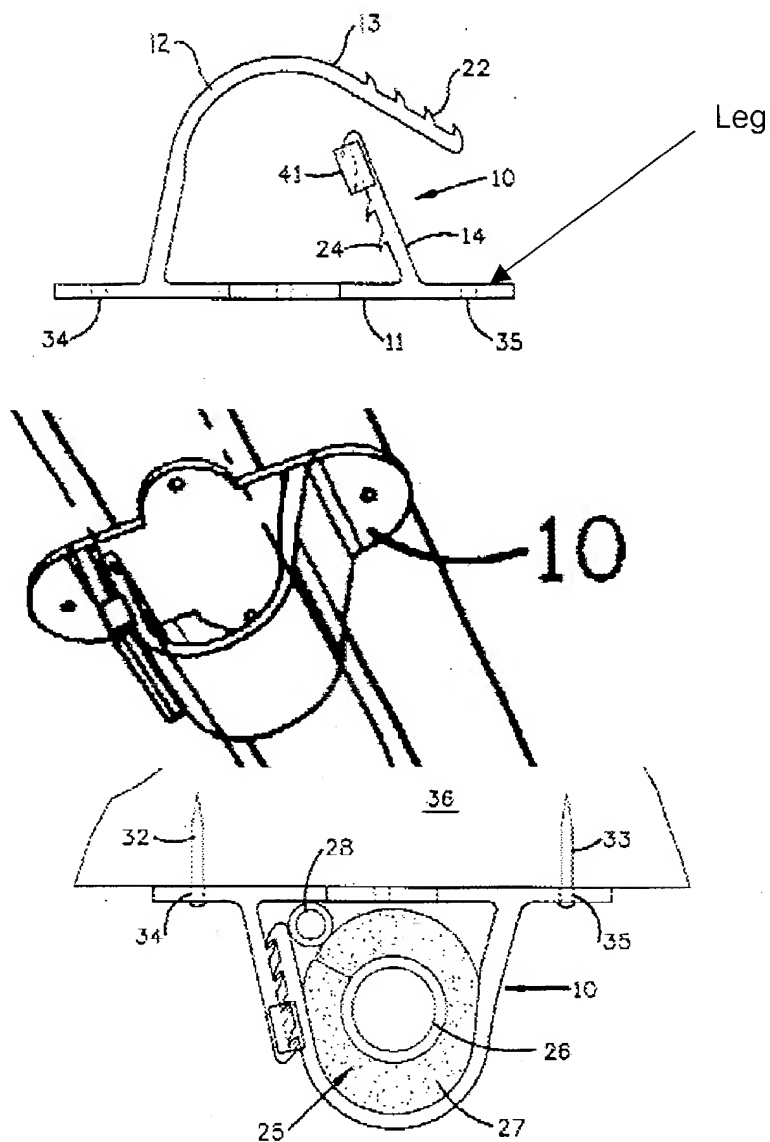


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member (12a) is connected to the frame, wherein the arm has a locking end (16a) which releasably mates (see column 2, lines 60-64) with the lock member, wherein the lock member and locking end have complementary mating notches (between teeth), wherein the arm also has a rectilinear configuration (top of 14) defines a substantially cylindrical passage (inside of 16) with open ends, wherein the arm has a free end (tip of 16) couplable to the lock member.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 6,079,674 to Snyder.

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Snyder '674 discloses a system (figure 1) comprising a rectilinear frame (11, from bottom of 12 to bottom of 14) with first and second ends (near bottom of 14, near bottom of 12, respectively) and a predetermined length, a leg (above) communicatively connected to the frame at the first end and having an aperture (35) disposed at a predetermined location thereon, a nail (33), a lock member (24) connected to the frame at a predetermined location and having a mating notch (between each 24), and a

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flexible arm (12) connected to the arm at the second end, the arm having a curvilinear configuration defining a substantially cylindrical passage (within 12) with open ends, the arm having a free end (13) with a mating notch (between each 22) which is releasably couplable (see column 4, lines 15-16) to the mating notch of the lock member.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bronner '217, Simon '112, Takeuchi '198, Wollar '280, Rinderer '792, Thompson et al. '804, Cohen '197, Ayres et al. '064 and Hatano et al. '876 teach various devices each with a frame, leg and arm.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

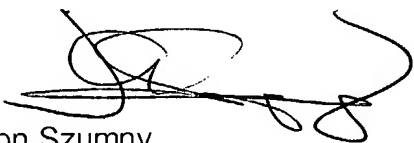
The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read 'Jon Szumny', with a stylized flourish extending to the right.

Jon Szumny  
Patent Examiner  
Technology Center 3600  
Art Unit 3632  
May 10, 2004